



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,986	09/27/2004	Alain Guigan	2590-103	7619
23117 7590 04/10/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER SPAHN, GAY	
			ART UNIT	PAPER NUMBER
			3635	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		04/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/508,986

Applicant(s)

GUIGAN, ALAIN

Examiner

Gay Ann Spahn

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions - RESTRICTION REQUIREMENT

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

GROUP I, claims 1-9 and 12-17, drawn to a modular accommodation system (BMAS).

GROUP II, claim 10, drawn to a foldable trolley.

GROUP III, claim 11, drawn to a removable cleaning equipment system.

The inventions listed as Groups I, II, and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

GROUP I, claims 1-9 and 12-17, drawn to a modular accommodation system, have the special technical feature including one or more capsules adaptable to be fitted in an ISO container for speedy and easy construction of housing facilities.

GROUP II, claim 10, drawn to a foldable trolley, having the special technical feature of being manual or motorized for running on rails to carry items and which is foldable for storage.

GROUP III, claim 11, drawn to a removable cleaning equipment system, having the special technical feature of one or more extendable arms to extend into an area to clean the area.

Election/Restrictions - ELECTION OF SPECIES REQUIREMENT

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

The FIRST GROUP OF SPECIES (i.e., species of ISO container) from which Applicant must elect is:

GROUP I, SPECIES I - 40' ISO container;

OR

GROUP I, SPECIES II - 20' ISO container.

If Applicant elects SPECIES I (i.e., 40' ISO container) of the FIRST GROUP OF SPECIES, then Applicant must elect from the following SUBSPECIES:

GROUP I, SPECIES I, SUBSPECIES I - BM is five 8' twins;

GROUP I, SPECIES I, SUBSPECIES II - BM is four 10' twins;

GROUP I, SPECIES I, SUBSPECIES III - BM is eight 5' singles;

GROUP I, SPECIES I, SUBSPECIES IV - BM is seven 5'8" singles;

GROUP I, SPECIES I, SUBSPECIES V - BM is eight 6'8" singles;

OR

GROUP I, SPECIES I, SUBSPECIES VI - BM is combination of twins and singles.

Art Unit: 3635

If Applicant elects SPECIES II (i.e., 20' ISO container) of the FIRST GROUP OF SPECIES, then Applicant must elect from the following SUBSPECIES:

GROUP I, SPECIES II, SUBSPECIES I - BM is two 10' twins;

GROUP I, SPECIES II, SUBSPECIES II - BM is four 5' singles;

GROUP I, SPECIES II, SUBSPECIES III - BM is three 6'8" singles;

OR

GROUP I, SPECIES II, SUBSPECIES IV - BM is combination of twins and singles.

The SECOND GROUP OF SPECIES (i.e., species of BMAS applications) from which Applicant must elect is:

GROUP II, SPECIES I - Figs. 54-56 ("Observer Stand-Alones");

GROUP II, SPECIES II - Figs. 57-58 ("Shelters");

GROUP II, SPECIES III - Fig. 59 ("Step Combinations");

GROUP II, SPECIES IV - Figs. 60-61 ("Motels");

GROUP II, SPECIES V - Figs. 62-65 ("Camps");

GROUP II, SPECIES VI - Figs. 66-68 ("Hostels/Youth Hostels");

GROUP II, SPECIES VII - Figs. 69-70 ("River Cruisers/Floating Hotels");

GROUP II, SPECIES VIII - Figs. 71-86 ("Cruising Catamarans");

OR

GROUP II, SPECIES IX - Figs. 87-88 ("Integrated in a Building")

Applicant is required, in reply to this action, to elect a single species from each of the TWO GROUPS OF SPECIES to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Claims 1-9 and 12-17 appear to be generic to all species and subspecies.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

FIRST GROUP OF SPECIES (i.e., species of ISO container):

SPECIES I-II have the special technical feature of mutually exclusive sizes (i.e., 40' vs. 20') of ISO container so as to be able to accommodate a different number of modules of different standard sizes.

Art Unit: 3635

FIRST GROUP OF SUBSPECIES:

SUBSPECIES I-VI have the special technical features of mutually exclusive differing numbers of modules of different sizes.

SECOND GROUP OF SUBSPECIES:

SUBSPECIES I-IV have the special technical feature of mutually exclusive differing numbers of modules of different sizes.

SECOND GROUP OF SPECIES (i.e., species of BMAS applications):

SPECIES I-IX have the special technical features of being either single or plural modules, wherein the plural modules are connectable into various configurations.

A telephone call was not made to request an oral election to the above election of species requirement due to the complexity of the election.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

Art Unit: 3635

distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571)-272-6842. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

^{GAS}
Gay Ann Spahn, Patent Examiner
March 26, 2007



Cari D. Friedman
Supervisory Patent Examiner
Group 3800